

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1557 be amended to read as follows:

- 1 Page 13, line 37, delete "in compliance with" and insert "**under the**
- 2 **authority of**".
- 3 Page 15, line 1, delete "The" and insert "**Subject to subsection (11),**
- 4 **the**".
- 5 Page 15, between lines 8 and 9, begin a new paragraph and insert:
- 6 "**(11) The director's authority to designate an automated central**
- 7 **licensing system and repository under subsection (10) is subject to**
- 8 **the following:**
- 9 (a) **The director or the director's designee may not require**
- 10 **any person exempt from licensure under this article, or any**
- 11 **employee or agent of an exempt person, to:**
- 12 (i) **submit information to; or**
- 13 (ii) **participate in;**
- 14 **the automated central licensing system and repository.**
- 15 (b) **Information stored in the automated central licensing**
- 16 **system and repository is subject to the confidentiality**
- 17 **provisions of IC 28-1-2-30 and IC 5-14-3. A person may not:**
- 18 (i) **obtain information from the automated central licensing**
- 19 **system and repository, unless the person is authorized to**
- 20 **do so by statute; or**
- 21 (ii) **initiate any civil action based on information obtained**
- 22 **from the automated central licensing system if the**
- 23 **information is not otherwise available to the person under**
- 24 **any other state law; or**

(iii) initiate any civil action based on information obtained from the automated central licensing system if the person could not have initiated the action based on information otherwise available to the person under any other state law.

(c) Documents, materials, and other forms of information in the control or possession of the automated central licensing system and repository that are furnished by the director, the director's designee, or a licensee, or that are otherwise obtained by the automated central licensing system and repository, are confidential and privileged by law and are not:

- (i) subject to inspection under IC 5-14-3;
- (ii) subject to subpoena;
- (iii) subject to discovery; or
- (iv) admissible in evidence in any civil action.

However, the director or the director's designee may use the documents, materials, or other information available to the director or the director's designee in furtherance of any action brought in connection with the director's duties under this article.

(d) Disclosure of documents, materials, and information:

- (i) to the director or the director's designee; or
 - (ii) by the director or the director's designee;
- under this subsection does not result in a waiver of any applicable privilege or claim of confidentiality with respect to the documents, materials, or information.

(e) Information provided to the automated central licensing system and repository is subject to IC 4-1-11.

(f) This subsection does not limit or impair a person's right to:

- (i) obtain information;
- (ii) use information as evidence in a civil action or proceeding; or
- (iii) use information to initiate a civil action or proceeding; if the information may be obtained from the director or the director's designee under any law.

(g) The director may require a licensee required to submit information to the automated central licensing system and repository to pay a processing fee considered reasonable by the director."

Page 29, line 32, delete "A lender shall cause the record of a borrower's loan to be" and insert "If a borrower presents evidence to a lender that a loan has been discharged in bankruptcy, the lender shall cause the record of the borrower's loan to be updated in the database described in subsection (4)(b) to reflect the bankruptcy discharge."

Page 29, delete lines 33 through 35.

Page 29, line 37, delete "deleted from a database described in

- 1 subsection (4)(b) upon:" and insert "**updated in the database**
 2 **described in subsection (4)(b) to reflect:**".
- 3 Page 30, delete lines 20 through 42.
- 4 Page 31, delete lines 1 through 21.
- 5 Page 110, delete line 21.
- 6 Page 110, line 22, delete "(2)" and insert "**(1)**".
- 7 Page 110, line 23, delete "(3)" and insert "**(2)**".
- 8 Page 114, between lines 37 and 38, begin a new paragraph and
 9 insert:
- 10 "SECTION 102. IC 28-13-9-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as
 12 provided in subsection (c), every director must, during the director's
 13 whole term of service, be a citizen of the United States. A director must
 14 be at least eighteen (18) years of age. At least ~~three-fifths (3/5)~~
 15 **one-half (1/2)** of the directors must reside in Indiana or within a distance
 16 of not to exceed fifty (50) miles of any office of the corporation of
 17 which the director is a director.
- 18 (b) The articles of incorporation or bylaws may prescribe other
 19 qualifications for directors. A director need not be a shareholder of the
 20 corporation unless the articles of incorporation or bylaws so prescribe.
- 21 (c) The director of the department may waive the United States
 22 citizenship requirement set forth in subsection (a) for a particular
 23 corporation if the waiver would affect only a minority of the total
 24 number of directors of the corporation."
- 25 Renumber all SECTIONS consecutively.
 (Reference is to HB 1557 as printed February 2, 2007.)

Representative Burton